

## **CITY OF ALAMEDA**

### **Memorandum**

To: Honorable Mayor and  
Members of the City Council

From: John A. Russo  
City Manager

Date: June 21, 2011

Re: Approve a First Amendment to Agreement with Harbor Bay Business Park  
Association for the Landscape Maintenance Management Contract for the  
City of Alameda Island City Landscaping and Lighting District 84-2, Zone 5 –  
Harbor Bay Business Park

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### **BACKGROUND**

The Harbor Bay Business Park (HBBP) development is designated as Zone 5 in the City of Alameda's Island City Landscaping and Lighting District 84-2 (District). The developers of HBBP requested annexation into the District when it was first constructed to provide for enhanced maintenance of the public improvements.

The HBBP Association has been performing landscape maintenance management services for the private and public landscaped areas within Zone 5 of the District since 1985. The term of the current contract will expire on June 30, 2011, and HBBP Association and the City desire to extend the term of the contract for an additional five years.

### **DISCUSSION**

The HBBP Association and the City desire to amend certain provisions in the current contract to clarify and improve the process of funding, managing, and implementing needed repairs within Zone 5. The First Amendment to Agreement includes the following revisions:

1. Modifies Section 1. "Sub-Areas of Zone 5 for Performance of Work," and adds a new subsection J, "Shoreline Park," to clarify the jurisdictional limits of Shoreline Park and the work to be performed by the contractor in this area; and
2. Modifies Section 2.B. "Landscape Maintenance Services," Sub-Section 2, "Over Scope Items." The current contract requires HBBP Association to obtain City staff approval for certain repair work over \$500. The proposed amendment will increase the preauthorized amount to \$2,000 for a maximum of three occurrences. Each additional occurrence will require pre-approval by City staff.

**City Council**  
**Agenda Item #5-H**  
**06-21-11**

In accordance with Section 2-59.3 of the Alameda Municipal Code, which requires the City Council to approve any contract that extends beyond five years, staff requests approval to establish a First Amendment to Agreement to extend the term of the contract with the HBBP Association through June 30, 2016. The extension will provide continuity of the maintenance of the private and public landscaping within the HBBP. A copy of the First Amendment to Agreement is on file in the City Clerk's office.

#### FINANCIAL IMPACT

The landscape maintenance and management for Zone 5 is paid by the property owners within the District and by contributions from the City. The budget for this contract is annually submitted to the City Council for its approval as part of the District budget. For FY11-12, the budget for Zone 5 is \$725,581. The maintenance cost for Harbor Bay Parkway, between Maitland Drive and Doolittle Drive, is paid two-thirds by the District fund 275.5 and one-third by the City from the Street Tree and Median Maintenance fund 4250 and the Golf Fund 601. The maintenance cost for the Shoreline Park, along Harbor Bay Parkway within Zone 5, is paid one-half by the District and one-half by the City from the Recreation & Park Administration fund.

#### MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action is authorized pursuant to 2-59.3 of the Alameda Municipal Code.

#### ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA), this project is Categorically Exempt under CEQA Guidelines Section 15061(b)(3), General Rule.

RECOMMENDATION

Approve a First Amendment to Agreement with Harbor Bay Business Park Association for the Landscape Maintenance Management Contract for the City of Alameda Island City Landscaping and Lighting District 84-2, Zone 5 – Harbor Bay Business Park.

Respectfully submitted,



Matthew T. Naclerio  
Public Works Director

By,



Judy Wehe  
Senior Management Analyst

Approved as to funds and account,



Fred Marsh  
Controller

Exhibit:

1. First Amendment to Agreement - on file in the City Clerk's office